

MINUTES OF A SPECIAL MEETING/PUBLIC HEARING
POTOMAC RIVER FISHERIES COMMISSION
COLONIAL BEACH, VIRGINIA
JUNE 10, 1988

COMMISSIONERS: R. Wayne Browning - Chairman, John Thomas Parran - Vice-Chairman, John W. Freeman, Sr. - Secretary, Verna E. Harrison, William A. Pruitt and Francis J. Russell.

OFFICERS: Kirby A. Carpenter - Executive Secretary and J. Clifford Hutt - Legal Officer.

PRESS: Peter Durants - The Times-Crescent, Jack Kershaw - WCMD Radio, Isobel Gough - The Richmond News Leader and Walter Deume - The Free Lance-Star.

GUESTS: Herb Austin and J. A. Musick - VIMS, Donald Z. O'Bier, L. E. Vickey, Jr. and Lewis Gillugham - VMRC, J. F. Mattingly and Louis Rugolo - DNR, Elgin Dunnington - CBL, Mark Bundy - ICPRB, William L. Rice - Charles Co. Watermens Assoc., James W. Dutton, Jean Cox, Eddie Gaskins, Andy Self and Fred Jett and several others who did not sign the register.

The meeting was called to order at 11:00 A.M. by Chairman R. Wayne Browning who thanked all those present for attending the meeting.

Mr. Carpenter explained that this public hearing had previously been scheduled for the May 6, 1988 meeting, however, on of the newspapers in which the Commission is required to advertise notice of public hearing, did not correctly advertise the public hearing for May 6, therefore the public hearing had to be rescheduled for today to meet notification requirements. Mr. Carpenter informed all those present that this meeting had been properly advertised.

The Chairman opened the Public Hearing at 11:10 A.M.

REDUCTION OF LICENSE FEES

Mr. Carpenter explained that this proposed regulation would allow persons 65 years of age or older who have for the previous three (3) consecutive years, held certain Potomac River Fisheries Commission license(s), to renew these licenses for a reduced fee of \$5.00 per license. Provided, however, such license(s) or any privilege(s) granted thereby shall be for the exclusive use of the licensee.

Mr. Pruitt stated that he did not like putting any kind of age limitation on anything, that he felt it may be discriminatory. Mr. Hutt said that legally, he did not think this classification would be considered discriminatory. Mr. Parran said that this item was being considered to give people who make their living from the River and are over 65 a break. These people are usually living on a reduced income. Mr. Browning said that he felt that if the person was able to go out and work the water, the person should pay the same fee for the license as anyone else because this person is competing with the other people who are also making a living off of the River. Mr. Freeman stated that his father is 85 years old and he fishes all year long. He also said that if the person is able to work he should be treated the same as a young person and not be given a break on the license fees. Mr. Russell spoke in favor of providing a reduced license fee.

Mr. Dutton stated that he felt if the person was able to fish they should pay the regular license fee because the person is in competition with the other watermen and if they are too old to pay the fee they shouldn't be working the water. However, he said that if the change was adopted, he felt it was good that the licensee was the only person able to work under the license.

The following motion was made by Mr. Parran and seconded by Mrs. Harrison:

"THAT REGULATION I, SECTION 5 BE AMENDED TO INCLUDE A NEW SUBSECTION (d) THAT WILL ALLOW FOR THE REDUCTION OF CERTAIN LICENSE FEES, UNDER CERTAIN CONDITIONS AS LISTED IN THE PROPOSED REGULATION AS ADVERTISED AND PRESENTED TO THEM TODAY".

Upon a roll call vote, Mr. Pruitt voted aye, Mr. Freeman voted nay, Mr. Parran voted aye, Mr. Browning voted nay, Mr. Russell voted aye and Mrs. Harrison voted aye. The Chairman ruled the motion passed by a majority vote.

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HAUL SEINE SEASON

Mr. Carpenter explained that the proposed amendment would allow haul seining on Friday nights during the months of June and August, at present it is allowed on Friday nights only during the month of July. The regulations were changed two years ago to allow haul seining on Friday nights in July and there has been no negative complaints in connection with that action.

Mr. Pruitt asked for comments from the public. Mr. Billy Rice said that the Charles County Watermen's Association felth that this was a good idean and supported the change.

Mrs. Harrison asked if this would cause a problem with other gear or recreational boats. Mr. Carpenter replied that there had been a few complaints years ago from property owners near the haul seine berths but during the last two years when Friday nights were allowed in July, no complaints had been received.

Mr. Russell and Mr. Hutt both emphasized how drastically the haul seine fishery has changed over the years and that there are fewer places today that are good for haul seining.

The following motion was made by Mr. Freeman and seconded by Mr. Russell:

"THAT REGULATION III, SECTION 9, SUBSECTION (a)(5) BE AMENDED, AS ADVERTISED, TO ALLOW HAUL SEINING ON FRIDAY NIGHTS DURING THE MONTHS OF JUNE, JULY AND AUGUST".

Upon a roll call vote, Mr. Pruitt voted aye, Mr. Freeman voted aye, Mr. Parran voted aye, Mr. Browning voted aye, Mr. Russell vote aye and Mrs. Harrison voted aye. The motion passed unanimously.

SPECKLED SEA TROUT

Mr. Carpenter said that the proposal to establish a 12" size limit on spotted sea trout had originated with the ASMFC. The Commission had agreed to advertise this change since there was no established fishery for spotted sea trout in the Potomac and this would bring the Potomac into conformity with the coastwide plan. Mr. Carpenter also stated that he did not anticipate any problems if this size limit were established because very few spotted sea trout are even found in the Potomac.

Mr. Fred Jett, a pound netter, said that it was difficult to cull a pound net catch. He would like to see some type of blanket on the allowance of undersize fish. Mr. Carpenter stated that there is a provision by Commission Order which allows 3 undersize food fish per bushel for pound net catches.

The following motion was made by Mrs. Harrison and seconded by Mr. Pruitt:

"THAT REGULATION III, SECTION 11, SUBSECTION (a) BE AMENDED AS ADVERTISED TO INCLUDE A NEW PARAGRAPH 11 TO ESTABLISH A 12" SIZE LIMIT ON SPOTTED OR SPECKLED TROUT (CYNOSCION NEBULOSUS)".

Upon a roll call vote, Mr. Pruitt voted aye, Mr. Freeman voted aye, Mr. Parran voted aye, Mr. Browning voted aye, Mr. Russell voted aye and Mrs. Harrison voted aye. The motion passed unanimously.

GRAY TROUT

Mr. Carpenter reminded the Commission that when they decided to advertise the 12" limit on spotted trout they also agreed to advertise increasing the minimum size limit on gray trout from 10" to 12". Since that time Virginia adopted a 10" limit, thus today Maryland, Virginia and PRFC all have a 10" size limit on gray trout. He suggested that they may want to leave the regulation as it now stands with a size limit of 10" on the gray trout for consistancy with Maryland and Virginia.

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Mr. Eddie Gaskins, a pound netter, stated that there is a problem with culling their catch, the limit is now 10" and if it were raised it would make their job that much more difficult because some small trout does get mixed in with the crab bait and he would hate to see the size limit raised to 12". Mr. Gaskins also stated that he did not feel that 3 food fish per bushel was much of a tolerance and asked if the Commission would consider raising the tolerance.

Mr. Jack Musick from VIMS stated that there was no biological justification for raising the size limit because 10" gray trout are generally in their second spawning season.

The following motion was made by Mr. Pruitt and seconded by Mr. Freeman:

"THAT REGULATION III, SECTION 11, SUBSECTION (a)(6) NOT BE AMENDED AT THE PRESENT TIME SO THAT THE SIZE LIMIT OF GRAY TROUT WILL REMAIN AT 10".

Upon a roll call vote, Mr. Pruitt voted aye, Mr. Freeman voted aye, Mr. Parran voted aye, Mr. Browning voted aye, Mr. Russell voted aye and Mrs. Harrison voted aye. The motion passed unanimously.

SOFT SHELL CLAM REGULATIONS

Mr. Carpenter stated that the agenda contained two separate items regarding clamming and he would request that the Commission combine the two items and have one vote. The first item regarding the soft shell clam license fee does not change the fee itself it only places the fee in the section of the regulations listing with all of the other license fees. The second item deals with a complete re-write of the clamming regulations, however, there are only two substantial changes. The first change would require the clamming rig be lifted above the surface of the water when crossing a prohibited or closed area. The second change would allow clamming to occur within 150 feet of the shoreline instead of the current 300 foot limit now required. The clammers have stated they are finding clams in shallower waters.

Mr. Hutt asked who has the authority to close clamming areas in the Potomac River for health or pollution reasons. Mr. Carpenter stated that the Maryland Health Department has the authority to close the areas and that their authority supercedes the PRFC in such cases as pollution and/or health concerns. Mr. Freeman asked what was the minimum depth of water the clammers could operate in. Mr. Carpenter answered that there was no legal depth limitation, it depended on the draft of the vessel, generally about 3 to 4 feet. Mr. Hutt stated that if a depth limit were established, on a contour basis it would create a terrible enforcement problem. Mr. Dunnington stated that originally this 300 foot restriction was adopted not as a conservation measure but to protect the shoreline property owners sensibilities, and it has nothing to do with the resource. He further stated that 150 feet has worked in other parts of Maryland and it should work in this area.

Mr. Willard Dutton stated that he felt the distance should be left at 300 feet from shore because the Commission would get a fight from the shoreline property owners after the change had been made and secondly because of the grasses were going to start back in the River, they would start in the shallower waters.

There was discussion about what the limits were in other areas. Mr. Russell said the limit was 150 ft. in St. Mary's County and Mrs. Harrison stated that clamming was not allowed at all in Charles County and that the distance limit varies from area to area throughout the rest of the state.

The following motion was made by Mr. Freeman and seconded by Mr. Parran:

"THAT THE MINIMUM DISTANCE FOR CLAMMING REMAIN AT 300 FEET FROM THE SHORELINE".

Upon a roll call vote, Mr. Pruitt voted nay, Mr. Freeman voted aye, Mr. Parran voted aye, Mr. Browning voted aye, Mr. Russell voted nay and Mrs. Harrison voted aye. The motion passed by a majority vote.

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The following motion was made by Mr. Parran and seconded by Mr. Freeman:

"THAT REGULATION I, SECTION 2 BE AMENDED AS ADVERTISED TO INCLUDE A NEW SUBSECTION (t) TO LIST THE SOFT SHELL CLAM LICENSE FEE AND THAT REGULATION V BE REPEALED, RECODIFIED, AMENDED AND RE-ENACTED AS ADVERTISED AND SUBMITTED TO THEM TODAY EXCEPT AS AMENDED BY THE PREVIOUS MOTION".

Upon a roll call vote Mr. Pruitt voted aye, Mr. Freeman voted aye, Mr. Parran voted aye, Mr. Browning voted aye, Mr. Russell voted aye and Mrs. Harrison voted aye. The motion passed unanimously.

There being no other regulation changes advertised for public hearing today, the Chairman closed the Public Hearing at 11:50 A.M.

EFFECTIVE DATE FOR REGULATION CHANGES

The following motion was made by Mr. Freeman and seconded by Mr. Russell:

"THAT THE REGULATION CHANGES ADOPTED TODAY, BE MADE EFFECTIVE AUGUST 1, 1988". The motion passed unanimously.

NEXT MEETING

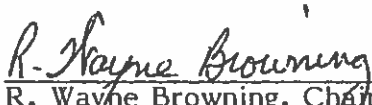
The next regular meeting of the Potomac River Fisheries Commission is scheduled for Friday, August 12, 1988 at 9:30 A.M. at the Commission office in Colonial Beach.

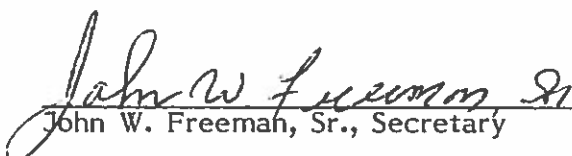
EXECUTIVE SESSION

It was moved by Mrs. Harrison and duly seconded to go into executive session at 11:55 A.M. to discuss personnel matters. The motion was duly passed. At 12:05 P.M. the meeting reconvened and the Chairman announced that no action was taken in executive session.

ADJOURNMENT

It was moved by Mr. Parran and seconded by Mrs. Harrison to adjourn the meeting. The motion was approved unanimously.


R. Wayne Browning, Chairman


John W. Freeman, Sr., Secretary